

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Boston Scientific Corporation, et al.,

NO. C 02-01474 JW

Plaintiffs,

**ORDER FOLLOWING CASE
MANAGEMENT CONFERENCE**

v.

Cordis Corporation,

Defendant.

On September 17, 2007, the Court conducted a case management conference. Boston Scientific Corporation and Target Therapeutics, Inc. (collectively, "Plaintiffs"), and Cordis Corporation ("Defendant") were represented by counsel. With respect to the outstanding motions, the Court orders as follows:

For each motion listed below, the moving party shall compile a three ring binder containing (1) the motion and any supporting memorandum of law; (2) the opposition memorandum; (3) any reply memorandum; and (4) any exhibits in support or opposition to the motion, which shall be clearly labeled. At the beginning of each binder the moving party shall include, as appropriate, a Chart A or B, in the format described below; each statement shall be supported by appropriate citations to the motion papers and or exhibits.

- A. Plaintiffs' Motion for Summary Judgment of No Inequitable Conduct
- B. Plaintiffs' Motion for Summary Judgment of Infringement
- C. Defendant's Cross- Motion for Summary Judgment of Noninfringement
- D. Plaintiffs' Motion for Summary Judgment Regarding Validity of the Radiopaque Marker Claims
- E. Defendant's Cross- Motion for Summary Judgment Regarding Invalidity of the Radiopaque Marker Claims

- F. Plaintiffs' Motion to Preclude Expert Re: Untimely Disclosure
 G. Defendant's Motion to Strike Declaration of Dr. Duckwiler
 H. All future dispositive motions in the case

All binders for pending motions shall be delivered to the Court (by way of the Clerk's office) by **Tuesday, September 25, 2007, 3 PM, Pacific time.**

Chart A - Summary of Infringement Issues

| Patent Claim/Elements | Stipulated Construction/Court Construction | Accused Product | Defense Asserted |
|-------------------------|--|-------------------|----------------------------|
| '000 Patent, Claim 1 | | | |
| an apparatus comprising | apparatus means: "a device which. . ." | Riverside Model 2 | |
| 1. a handle | "handle" means a part held by the human hand | Riverside Model 2 | the product lacks a handle |

Chart B - Summary of Invalidity Issues

| Title of Motion | Patent | Claim No. | Basis of challenge | Summary of argument in support of motion | Summary of argument in opposition to motion | Comments |
|---|--------|-----------|---------------------------------|--|---|---|
| Partial Motion for Summary Judgment of Invalidity | '000 | Claim 3 | Lack of Disclosure of Best Mode | The specification states that the inventor was aware [See '000 Patent, Col 3:5-10] | The reference is to a different invention. | This matter is controlled by the Court's claim construction of the following terms: |
| | | | | | | |

Dated: September 20, 2007


 JAMES WARE
 United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: September 20, 2007

Richard W. Wieking, Clerk

**By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy**